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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/258,407	02/26/1999	RAMZI CHEAITO	028579-0102	3845
22428	7590	07/15/2004	EXAMINER	
FOLEY AND LARDNER			SING, SIMON P	
SUITE 500			ART UNIT	PAPER NUMBER
3000 K STREET NW			2645	15
WASHINGTON, DC 20007			DATE MAILED: 07/15/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/258,407	CHEAITO ET AL.
	Examiner Simon Sing	Art Unit 2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 May 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-44 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-30 is/are allowed.

6) Claim(s) 31-44 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 31, 32, 34-40, 42 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Gurbani et al. US 6,282,275

1.1 Regarding claim 31, Gurbani discloses a telephone caller identification log in figure 1. Gurbani's system comprises:

a subscriber telephonic device 104 connected to a switched telephone network 110;

a caller ID server (data logging unit) 124 in the switched telephone network, or SCP 122 (column 5, lines 47-51), the caller ID server 124 storing caller identifying information upon a call to the telephone 104 from a caller (column 2, lines 44-63; column 3, lines 4-8), the caller ID server 124 connecting to a telephone network 110 allowing a subscriber, using a computer 130 to access the caller ID server 124 via the telephone network 110 (column 3, lines 28-43), wherein the caller ID server 124 comprises a database for storing the caller identifying information (column 2, lines 59-63), and inherently a line peripheral (a line interface) for connecting to a public switched telephone network (PSTN) 110 through an Internet server 126 and Internet 128, wherein the caller identifying information is accessible via Internet 128 by an Internet protocol network device (computer) 132 and separately via the PSTN 110 by computer 130 via the line peripheral (column 4, lines 58-67; column 5, lines 1-20; column 3, lines 20-48).

1.2 Regarding claim 32, Gurbani teaches that the caller telephone 102 and the subscriber telephone 104 are connected to the same telephone network 110 as shown in figure 1.

1.3 Regarding claim 34, Gurbani teaches suing computer 130 to retrieve caller's ID information VIA PSTN 110 (column 3, lines 20-30), and it is inherent that computer 130 is connected to an Internet service provider in order to gain access to Internet 128.

1.4 Regarding claim 35, Gurbani discloses a method for accessing telephone caller identification log in figure 1, comprising:

accessing a caller ID server (data logging unit) 124 via the Internet 128 by an Internet protocol network device (computer) 132 and separately via the PSTN 110 by a telephonic device (computer phone 130) (column 4, lines 58-67; column 5, lines 1-20; column 3, lines 20-48; column 4, lines 5-16); the caller ID server 124, within a SCP (column 5, lines 48-53), comprises a database for storing caller identifying information upon a call to the telephone 104 from a caller (column 2, lines 44-63; column 3, lines 4-8), and inherently a line peripheral (a line interface) for connecting to a public switched telephone network (PSTN) 110 through an Internet server 126 and Internet 128 (figure 1); wherein the caller identifying information is accessible via Internet 128 by an Internet protocol network device (computer) 132 and separately via the PSTN 110 by computer phone 130 via the line peripheral (column 4, lines 58-67; column 5, lines 1-20; column 3, lines 20-48; column 4, lines 5-16).

1.5 Regarding claim 36, Gurbani teaches suing computer 130 to retrieve caller's ID information VIA PSTN 110 (column 3, lines 20-30), and it is inherent that computer 130 is connected to an Internet service provider in order to gain access to Internet 128.

1.6 Regarding claim 37, Gurbani discloses a method for accessing telephone caller identification log via internet in figure 1, comprising:

receive a call from a subscriber via Internet 128 (column 3, lines 20-30);

prompting the subscriber to input a password to gain access to the call identification information (column 3, lines 3, lines 37-39);
allowing the subscriber access to the caller identification information (column 3, lines 39-48); wherein the caller identification information has been logged in a caller ID server 124, within a SCP (column 5, lines 48-53); said caller ID server comprises a database for storing caller identifying information upon a call to the telephone 104 from a caller (column 2, lines 44-63; column 3, lines 4-8), and inherently a line peripheral (a line interface) for connecting to a public switched telephone network (PSTN) 110 through an Internet server 126 and Internet 128 (figure 1), said caller identifying information is accessible via Internet 128 by an Internet protocol network device (computer) 132 and separately via the PSTN 110 by computer phone 130 via the line peripheral (column 4, lines 58-67; column 5, lines 1-20; column 3, lines 20-48; column 4, lines 5-16).

1.7 Regarding claim 38, Gurbani teaches logging a caller's identification information upon a call to the subscriber's telephone 104 (column 2, lines 44-63; column 3, lines 4-8).

1.8 Regarding claim 39, Gurbani teaches that a greeting message to alert the subscriber of success in reaching the caller identifying information (upper window of Figure 2A).

1.9 Regarding claim 40, Gurbani teaches menu for reviewing and deleting (editing) caller identifying information (column 3, lines 56-67).

1.10 Regarding claims 42 and 44, Gurbani discloses a system and method for accessing telephone caller identification log in figure 1, comprising:

accessing a caller ID server (data logging unit) 124 via the Internet 128 by an Internet protocol network device (computer) 132 and separately via the PSTN by a telephonic device (computer phone 130) (column 4, lines 58-67; column 5, lines 1-20; column 3, lines 20-48; column 4, lines 5-16);

viewing caller identification information on a computer screen (figures 2A and 2B); wherein the caller identification information has been logged in a caller ID server 124, within a SCP (column 5, lines 48-53); said caller ID server comprises a database for storing caller identifying information upon a call to the telephone 104 from a caller (column 2, lines 44-63; column 3, lines 4-8), and inherently a line peripheral (a line interface) for connecting to a public switched telephone network (PSTN) 110 through an Internet server 126 and Internet 128 (figure 1), said caller identifying information is accessible via Internet 128 by an Internet protocol network device (computer) 132 and separately via the PSTN 110 by computer phone 130 via the line peripheral (column 4, lines 58-67; column 5, lines 1-20; column 3, lines 20-48);

and calling back a caller via Internet (column 4, lines 5-16);

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurbani et al. US 6,282,275.

Gurbani discloses a caller ID server 124 in a subscriber's switched telephone network (SCP 122) for logging caller identification information, and the caller ID server is accessible through a network device 132 or separately by a computer phone 30, but fails to specifically teach that the caller ID server 124 is connected to an intelligent peripheral (IP).

However, since an IP is part of an Advanced Intelligent Network such as SS7, it would have been obvious to one of ordinary skill in the art at the time the invention was made that caller ID server would have been connected to an IP, because both IP and SCP are parts of an Intelligent network such as SS7, and once the caller ID server 124 is connected to a SCP, it would have been also connected to an IP in a advanced intelligent network (AIN).

3. Claims 41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurbani et al. US 6,282,275 in view of Rogers et al. US 5,946,386.

Gurbani discloses a system and method for accessing telephone caller identification log in figure 1, comprising:

accessing a caller ID server (data logging unit) 124 via the Internet 128 by an Internet protocol network device (computer) 132 and separately via the PSTN by a telephonic device (computer phone 130) (column 4, lines 58-67; column 5, lines 1-20; column 3, lines 20-48; column 4, lines 5-16);

viewing caller identification information on a computer screen (figures 2A and 2B); wherein the caller identification information has been logged in a caller ID server 124, within a SCP (column 5, lines 48-53); said caller ID server comprises a database for storing caller identifying information upon a call to the telephone 104 from a caller (column 2, lines 44-63; column 3, lines 4-8), and inherently a line peripheral (a line interface) for connecting to a public switched telephone network (PSTN) 110 through an Internet server 126 and Internet 128 (figure 1), said caller identifying information is accessible via Internet 128 by an Internet protocol network device (computer) 132 and separately via the PSTN 110 by computer phone 130 via the line peripheral (column 4, lines 58-67; column 5, lines 1-20; column 3, lines 20-48);

Gurbani fails to teach including an indication of whether callers have left voice messages to the subscriber.

However, Rogers discloses a call log in figure 9 (column 42, lines 36), Rogers teach an indicator 905 (Red Dot) for indicating a missed call being sent to voicemail (column 42, lines 37-43);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Gurbani' reference with the teaching of Rogers, so that a the caller identification information would have included an indicator for indicating a call being routed to a voice messaging system, and a user would have been able to retrieve a voice message from his computer phone (Internet phone) 130 via Internet, because such modification would have notified the subscriber of a voice mail message might be left by a caller, and to access the voice messaging system via the Internet.

Allowable Subject Matter

4. The following is a statement of reasons for the indication of allowable subject matter:

The current invention in claims 1-6,11, 14-19 and 21-30 discloses a caller ID logging device located in a subscriber's switched telephone network as shown in figure 4. The caller ID logging device 12 comprises a gateway 14 connected to Internet 13 and a line peripheral 21 connected to SSP 6, so that the caller ID logging device is accessible via the gateway 14 and separately via the line peripheral 21. The current invention in claims 1-30 thus teaches two separate access ports (gateway and line peripheral) of the caller ID logging device.

Gurbani (US 6,282,275) discloses a caller identification (ID) server 124 for logging caller IDs. Gurbani teaches accessing the caller ID server 124 only through Internet server 126. Gurbani fails to teach the claimed invention of two separate access ports for caller ID server 124.

Response to Arguments

5. Applicant's arguments filed on 05/05/2004 have been fully considered but they are not persuasive.

The applicant argues that new claims 31-44 are distinguish over prior art of Gurbani as claims 1-6, 11, 14-19 and 21-30. However, claims 1-6, 11, 14-19 and 21-30 claim two separate access ports, a gateway and a line peripheral, so that a caller ID logging device is accessible via the gateway and separately via the line peripheral. Claims 31-44 only claim one access port, a line peripheral. As interpreted by this examiner, a line peripheral is a line conditioner, such as a balum, a transformer, a buffer or amplifier, or a digital logic gate or register. Gurbani's caller ID server 124 and Internet server 126 inherently comprise a line conditioner, and therefore, Gurbani teaches the claimed invention of claims 31-44.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.



S.S.

06/30/2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
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